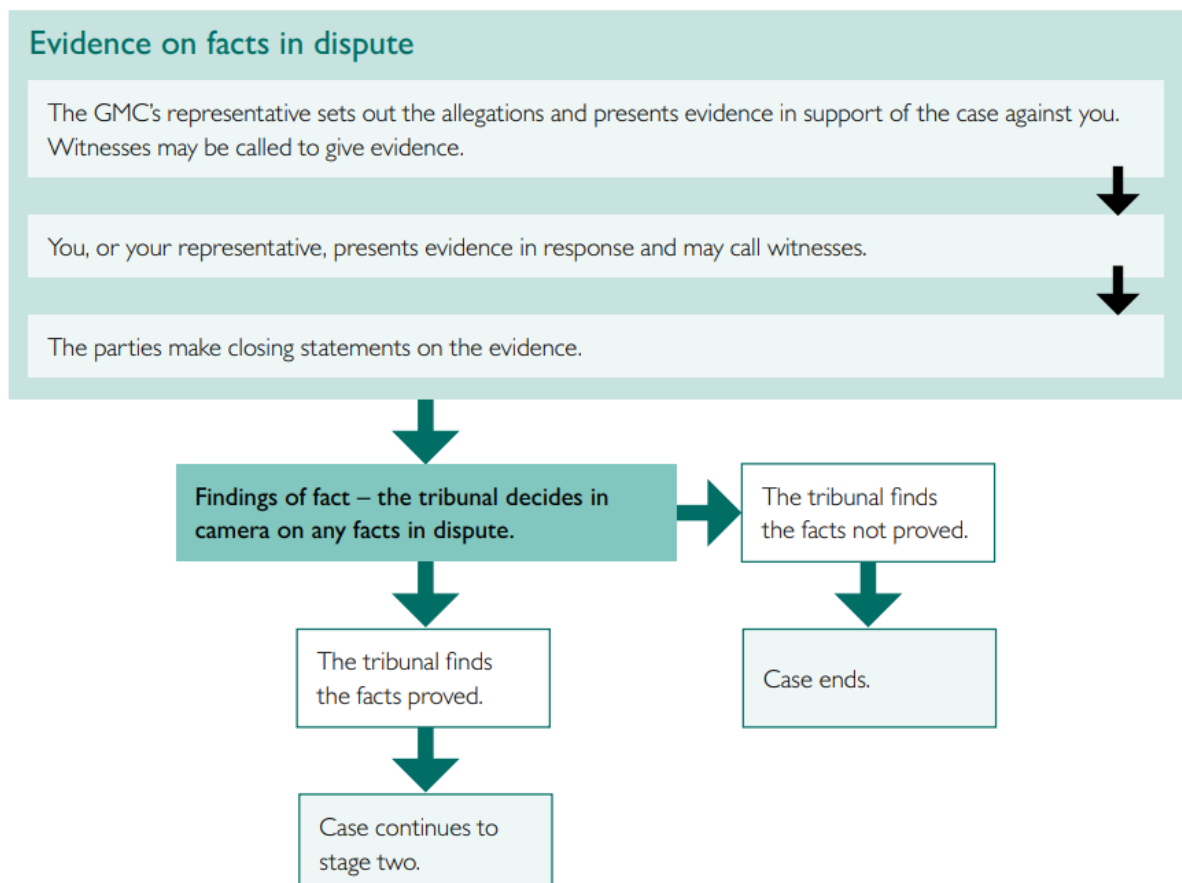


## Part 8: During your medical practitioners tribunal hearing – facts stage

### Key points

- ▶ This stage focuses on any facts that are in dispute.
- ▶ Both you and the GMC will have the opportunity to call witnesses and make submissions.

### Overview of the facts stage



## Summary

- ▶ When stage one begins, you may already have admitted some of the facts. But this stage focuses on any facts that are still in dispute. The burden of proof lies with the GMC – this means that the GMC, which makes the allegation, has to prove that the facts supporting the allegation are true to the satisfaction of the medical practitioners tribunal. You do not have to prove anything.
- ▶ The medical practitioners tribunal will decide that a fact is proved if it is more likely than not to have happened – this is the civil standard of proof. Witnesses may be questioned by the GMC’s representative, by you or your representative, and by the medical practitioners tribunal.
- ▶ The GMC, which makes the allegation, presents its evidence first. This will include making an opening submission, calling witnesses and asking them questions. You (or your representative) have the right to ask each witness questions. The medical practitioners tribunal and the GMC’s representative may also ask further questions.
- ▶ When the GMC’s representative has finished presenting their evidence, you or your representative will be able to make a submission on whether sufficient evidence has been presented to prove the facts if you wish to do so. You or your representative will also be able to present evidence and call witnesses.
- ▶ You and the GMC can make closing submissions once all the evidence has been put before the medical practitioners tribunal. This is an opportunity to summarise your case on the basis of the evidence and documents that have been presented. Generally, this is done orally but sometimes the medical practitioners tribunal will ask for submissions, or a summary of submissions, to be given in writing.
- ▶ The legally qualified chair/legal assessor may then advise the medical practitioners tribunal before they retire in camera to make their decision about whether or not the facts are proved.
- ▶ The medical practitioners tribunal will invite both you and the GMC representative to come back into the hearing room where it will announce its finding. A written copy will also be provided. The medical practitioners tribunal’s determination will provide its explanation as to why a particular fact was found proved or not, so you should take some time to read and understand it.

## Next steps

### **Some or all facts found proved**

If any facts are found proved, then the medical practitioners tribunal will go on to consider if your fitness to practise is impaired (Stage 2 of the hearing process). Further information about this stage is available at [Part 9](#).

### **No facts found proved**

If no facts in the allegation are found proved, that will be the end of the hearing.

If you'd like to provide feedback on *Resource for doctors: medical practitioners tribunals* please go to: [www.smartsurvey.co.uk/s/ResourceforDoctors\\_MPT\\_Part8/](http://www.smartsurvey.co.uk/s/ResourceforDoctors_MPT_Part8/)